

EDWARD ROTH VOLUME II 1/6/2023

<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT 2 FOR THE EASTERN DISTRICT OF MISSOURI 3 EASTERN DIVISION 4 DERRICK JONES, et al.,) 5) 6 Plaintiffs,) 7) 8 vs.) Cause No. 4:21-cv-600 9) 10 CITY OF ST. LOUIS, et al.,) 11) 12 Defendants.) 13 14 15 THE DEPOSITION OF EDWARD ROTH 16 VOLUME II 17 18 Taken on behalf of Plaintiffs 19 January 6, 2023 20 21 LEXITAS LEGAL 22 711 N. 11TH STREET 23 ST. LOUIS, MO 63101 24 (314) 644-2191 25</p>	<p style="text-align: right;">Page 3</p> <p>1 UNITED STATES DISTRICT COURT 2 FOR THE EASTERN DISTRICT OF MISSOURI 3 EASTERN DIVISION 4 DERRICK JONES, et al.,) 5) 6 Plaintiffs,) 7) 8 vs.) Cause No. 4:21-cv-600 9) 10 CITY OF ST. LOUIS, et al.,) 11) 12 Defendants.) 13 14 15 VOLUME II OF THE DEPOSITION OF EDWARD 16 ROTH, produced, sworn, and examined on behalf of the 17 Plaintiffs, January 6, 2023, between the hours of eight 18 o'clock in the forenoon and five o'clock in the 19 afternoon on that day, at the City Counselor's Office, 20 City Hall, Room 314, 1200 Market Street, St. Louis, 21 Missouri 63103, before Rebecca L. Tuggle, a Registered 22 Professional Reporter, Certified Court Reporter, and 23 Certified Shorthand Reporter within and for the State 24 of Missouri. 25</p>
<p style="text-align: right;">Page 2</p> <p>1 INDEX OF EXAMINATION 2 3 WITNESS: EDWARD ROTH 4 Examination By Ms. Hanlon5 5 6 7 INDEX OF EXHIBITS 8 9 Exhibit 148 10 Notes 11 Exhibit 1535 12 Nesbitt PowerPoint Presentation 13 14 Exhibit 1636 15 Holman PowerPoint Presentation 16 Exhibit 1761 17 Deposition Testimony of Dale Glass 18 19 Exhibit 1868 20 Policy 21 22 The original exhibits were retained by COUNSEL. 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES 2 FOR THE PLAINTIFFS: 3 MAUREEN HANLON 4 BRITTNEY WATKINS (via telephone) 5 ArchCity Defenders, Inc. 6 440 North Fourth Street, Suite 390 7 St. Louis, MO 63102 8 (855) 724-2489 9 mhanlon@archcitydefenders.org 10 SHUBRA OHRI 11 Roderick & Solange MacArthur Justice Center 12 906 Olive Street, Suite 420 13 St. Louis, MO 63101 14 (314) 254-8540 15 shubra.ohri@macarthurjustice.org 16 17 FOR THE DEFENDANTS: 18 LAWRENCE PRATT 19 Assistant City Counselors 20 1200 Market Street, Room 314 21 St. Louis, MO 63103 22 (314) 622-3361 23 prattl@stlouis-mo.gov 24 25 REPORTED BY: REBECCA L. TUGGLE, RPR, CCR, CSR Lexitas Legal</p>

1 (Pages 1 to 4)

EDWARD ROTH VOLUME II 1/6/2023

<p style="text-align: right;">Page 21</p> <p>1 away from the facility, that she would be able to</p> <p>2 observe.</p> <p>3 Q So is there only one master control room?</p> <p>4 A I don't know. I don't know the layout.</p> <p>5 Q Do you know if there's -- the master control</p> <p>6 room is continuously monitored, like -- or</p> <p>7 continuously staffed?</p> <p>8 A I believe it's continuously staffed.</p> <p>9 Q Okay. Okay. Do you know under what</p> <p>10 circumstances lieutenants or captains would be tasked</p> <p>11 with reviewing sort of live camera footage?</p> <p>12 A I don't know.</p> <p>13 Q Do lieutenants and captains also have the</p> <p>14 ability to -- well, sorry, let me back up one second</p> <p>15 and go to the next question which might help ground me</p> <p>16 here.</p> <p>17 So I see you say that the live feed is -- is</p> <p>18 continuous and not sort of motion activated or</p> <p>19 movement activated cameras?</p> <p>20 A That's true.</p> <p>21 Q So the -- you're making an excellent point</p> <p>22 that we don't say the cameras are rolling, but</p> <p>23 there's -- there's a -- there's a live feed?</p> <p>24 A Yes.</p> <p>25 Q Is that live feed then automatically saved</p>	<p style="text-align: right;">Page 23</p> <p>1 A That's true. For scores and scores of</p> <p>2 cameras, it's a vast network.</p> <p>3 Q Who decides -- well, let me back up.</p> <p>4 Once the camera -- once the recordings are</p> <p>5 maintained, they're in this archive, there is, I</p> <p>6 assume, a way to pull certain segments of the video to</p> <p>7 save it from being automatically deleted?</p> <p>8 A Yes, that's true.</p> <p>9 Q Who makes the decisions of which recordings</p> <p>10 are saved or pulled out and which are subject to</p> <p>11 automatic deletion?</p> <p>12 A I would characterize it this way, that the</p> <p>13 senior managers decide and identify that which should</p> <p>14 be saved for any number of reasons. For litigation</p> <p>15 purposes, for a response to inquiries and requests</p> <p>16 from the Circuit Attorney's Office. There are many --</p> <p>17 for Sunshine Law requests. And it -- I can't say this</p> <p>18 categorically, but I'm largely confident that the</p> <p>19 person who then executes on that and identifies the</p> <p>20 camera that --</p> <p>21 Q Sure.</p> <p>22 A -- that would capture the imagery and then</p> <p>23 takes the technical steps to move that or copy that</p> <p>24 onto some other medium or put it into what they refer</p> <p>25 to as the vault, which is the -- the area of the</p>
<p style="text-align: right;">Page 22</p> <p>1 or recorded by some mechanism?</p> <p>2 A Yes.</p> <p>3 Q For every camera?</p> <p>4 A Yes.</p> <p>5 Q Okay. And where is that recording of the</p> <p>6 live feed stored?</p> <p>7 A In a dedicated server that's situated in the</p> <p>8 facility itself, in the detention facility itself.</p> <p>9 Q Okay. Do you know who can access that --</p> <p>10 the stored recordings?</p> <p>11 A I'm -- I'm not sure of the totality. You</p> <p>12 know, I would assume the commissioner has plenary</p> <p>13 authority to access whatever she sees fit and to</p> <p>14 delegate to -- subject to, you know, the trained</p> <p>15 ability to access it, the -- the -- the stored part of</p> <p>16 it. I know that the staff investigator for the CJC,</p> <p>17 Percy Harrington, has the ability to -- to do -- to</p> <p>18 access archived or saved recordings.</p> <p>19 Q Yeah. So -- and I see you wrote here that</p> <p>20 the recordings are maintained 60 days, but that at 60</p> <p>21 days, the system over- -- automatically overwrites</p> <p>22 recordings?</p> <p>23 A Yes.</p> <p>24 Q And I'm assuming that that is due to just</p> <p>25 the space constraints of keeping 24/7 camera footage?</p>	<p style="text-align: right;">Page 24</p> <p>1 system that is exempt from the automatic rewriting, it</p> <p>2 would be Mr. Harrington.</p> <p>3 Q Oh, okay.</p> <p>4 A That's not always -- it has not always been</p> <p>5 him -- exclusively him because his office used to have</p> <p>6 more people, but they've lost a lot of people.</p> <p>7 Especially with COVID and other job opportunities, you</p> <p>8 know.</p> <p>9 Q You said that senior managers identify that</p> <p>10 which might be saved. Do you have a sense of who is</p> <p>11 authorized to say we need videos of incidents XYZ?</p> <p>12 A Certainly the highest level people, and I</p> <p>13 think likely the captains and lieutenants.</p> <p>14 Q Okay. Is every use of force saved and put</p> <p>15 into the vault?</p> <p>16 A No.</p> <p>17 Q Who decides which videos of uses of force</p> <p>18 are saved and which are not?</p> <p>19 A I would say the senior people that -- whose</p> <p>20 particular identity I -- I'm not confident enough that</p> <p>21 I understand. But the categories that I described,</p> <p>22 the senior most level of administrator and likely the</p> <p>23 captains and lieutenants.</p> <p>24 Q So it is not the case that for every --</p> <p>25 every time there is a use of force by a correctional</p>

6 (Pages 21 to 24)

EDWARD ROTH VOLUME II 1/6/2023

Page 25

1 **officer on an inmate that video is -- is saved?**

2 A Well, it's saved for 60 days and can -- is
3 available for review during that 60 days. But it's
4 not -- not every one is then taken the additional step
5 of being preserved beyond the 60-day --

6 **Q Okay.**

7 A -- review period.

8 **Q So as of today -- sitting here today, if a**
9 **correctional officer used OC spray on a detained**
10 **individual, would that video be prevented -- would**
11 **that video necessarily be prevented from automatic**
12 **deletion?**

13 A It would -- it would not categorically be
14 protected from it. It would -- it would have to be
15 identified in a request by a senior person to preserve
16 it for it to be preserved beyond the 60 days. It
17 might be accessed during that time before -- as part
18 of the review of it, but it would not necessarily be
19 saved or preserved.

20 **Q Okay. And that's -- that's currently**
21 **true -- I mean --**

22 MS. HANLON: So this lawsuit was filed in
23 May 2021?

24 MS. OHRI: Yeah.

25 **Q (By Ms. Hanlon) So since May 2021, it has**

Page 27

1 the 60 days.

2 **Q Okay. Has the retention process been**
3 **impacted in any way by the filing of this lawsuit?**

4 MR. PRATT: Objection. Calls for
5 speculation and vague.

6 Subject to that you can answer.

7 A I don't know.

8 **Q (By Ms. Hanlon) Okay. Has there been --**
9 **well, has there been any instructions or amendments to**
10 **the standard process in order to ensure that relevant**
11 **information for this lawsuit has not been destroyed?**

12 MR. PRATT: Objection to the extent that the
13 question can be interpreted as requiring information
14 that could be covered by attorney-client privilege, we
15 assert that objection.

16 With the objection in mind, the witness can
17 answer.

18 A I think I would cast it in terms of what the
19 practice has been at the justice center, and I would
20 say that an attempt has been made to capture more.
21 And if it were possible to do all, to do all. But it
22 has proved impossible to do all. And that the
23 staffing is such that -- and that competing demands
24 are such, competing demands for the -- for the time of
25 the investigator who is capable of doing it and the

Page 26

1 **been the case that there are videos of the use of**
2 **chemical agents on detainees that were not exempted**
3 **from automatic deletion?**

4 A Yes. I would say it the opposite way, that
5 not all have been saved -- have been -- steps have --
6 steps are not -- it's not part of the process or
7 procedure for all uses of force that might be captured
8 by video to be exempted from this -- the saving beyond
9 60 days.

10 **Q Okay. I don't know how to say this. Are**
11 **you sure that the City of St. Louis has not taken**
12 **steps to set up a process by which uses of force on**
13 **detained individual -- videos of uses of forces on**
14 **detained individuals are not subject to this automatic**
15 **deletion?**

16 A That was a big, long question. Let me try
17 to restate what I'm sure of and then you can --

18 **Q Yeah.**

19 A -- you can follow up.

20 **Q Okay.**

21 A And that is that I'm sure that the process
22 of -- of retention of surveillance video at the
23 justice center is such that not every potentially
24 recorded instance of use of force, whether that's
25 chemical agent or other use of force, is saved beyond

Page 28

1 process itself of identifying which of the cameras for
2 what period of time would be germane is such that it
3 has been unable to even remotely keep up with the
4 amount of work that is required to attempt -- even
5 attempt to capture.

6 Given the number of camera angles, it would
7 have to be -- that have to be reviewed to determine
8 whether anything was captured, and given the amount of
9 other demands from the circuit attorney, from Sunshine
10 Law requests, from other security issues, from
11 workplace injuries, other things such as that, that
12 moving beyond the standard protocol, which is to save
13 those which are -- have been identified by senior
14 management and by detainee name and date and time has
15 just proved to be impossible.

16 **Q So the answer to the initial question is --**
17 **is, no, the City has not changed any processes since**
18 **the filing of this lawsuit?**

19 A Well, the answer that I gave is that I don't
20 know and I'm -- that I'm -- that I'm not sure. But I
21 am sure, indirectly, that based on the review of the
22 discovery materials, that extensive video evidence,
23 surveillance video evidence has been produced in this
24 case.

25 **Q I'm aware of maybe four to six videos that**

7 (Pages 25 to 28)

EDWARD ROTH VOLUME II 1/6/2023

<p style="text-align: right;">Page 105</p> <p>1 personnel follow up with or check on detainees past --</p> <p>2 past the initial evaluation of the detainee</p> <p>3 post-spray?</p> <p>4 So did that question make sense or do you</p> <p>5 want me to rephrase it?</p> <p>6 A Yeah, no, I understand it.</p> <p>7 Q Okay.</p> <p>8 A I would answer it in a general way saying</p> <p>9 that the -- that the medical unit is available to the</p> <p>10 detainees broadly and for whatever conditions they</p> <p>11 want to bring to the attention of their medical</p> <p>12 providers, that they -- that access is freely given.</p> <p>13 Q Okay. But there's no specific policy or</p> <p>14 procedure that directs, someone's been sprayed, do the</p> <p>15 initial evaluation, and then two hours later check on</p> <p>16 them, four hours later check on them, something like</p> <p>17 that?</p> <p>18 A There is -- there is follow up from</p> <p>19 correctional staff, but I'm not aware of any, in the</p> <p>20 absence of symptoms, that would justify automatic</p> <p>21 follow up by medical staff.</p> <p>22 Q Okay. So medical staff actually don't</p> <p>23 routinely or systematically see individuals past the</p> <p>24 initial consult?</p> <p>25 A In the absence of a complaint by the</p>	<p style="text-align: right;">Page 107</p> <p>1 REPORTER CERTIFICATE</p> <p>2 I, REBECCA L. TUGGLE, a Registered</p> <p>3 Professional Reporter, Certified Court Reporter, and</p> <p>4 Certified Shorthand Reporter within and for the State</p> <p>5 of Missouri, do hereby certify that there came before</p> <p>6 me on January 6, 2023, at City Counselor's Office,</p> <p>7 City Hall, Room 314, 1200 Market Street, St. Louis,</p> <p>8 Missouri 63103</p> <p>9 EDWARD ROTH</p> <p>10 who was by me first duly sworn; that the witness</p> <p>11 was carefully examined; that said examination was</p> <p>12 reported by myself, translated and proofread using</p> <p>13 computer-aided transcription; and the above transcript</p> <p>14 of proceedings is a true and accurate transcript of my</p> <p>15 notes as taken at the time of the examination of this</p> <p>16 witness.</p> <p>17 I further certify that I am neither attorney</p> <p>18 nor counsel for nor related nor employed by any of the</p> <p>19 parties to the action in which this examination is</p> <p>20 taken; further, that I am not a relative or employee of</p> <p>21 any attorney or counsel employed by the parties hereto</p> <p>22 or financially interested in this action.</p> <p>23</p> <p>24 Dated this 10th day of January, 2023.</p> <p>25</p> <p>Rebecca L. Tuggle, RPR, CCR, CSR</p>
<p style="text-align: right;">Page 106</p> <p>1 individual, I would say that that's probably true.</p> <p>2 Q Okay.</p> <p>3 MS. HANLON: All right. I have no further</p> <p>4 questions. Do you have any follow-up?</p> <p>5 MR. PRATT: No.</p> <p>6 MS. HANLON: Great.</p> <p>7 THE WITNESS: Do you want me to read or do</p> <p>8 you want to waive?</p> <p>9 MR. PRATT: Let's read it.</p> <p>10 COURT REPORTER: Orders on the record.</p> <p>11 MS. HANLON: E-tran, please.</p> <p>12 MR. PRATT: Same.</p> <p>13 (Whereupon, Volume II of the deposition of</p> <p>14 EDWARD ROTH was concluded at 12:45 p.m.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 108</p> <p>1 LEXITAS LEGAL</p> <p>2</p> <p>3 January 10, 2023</p> <p>4</p> <p>5 LAWRENCE PRATT</p> <p>6 Assistant City Counselors</p> <p>7 1200 Market Street, Room 314</p> <p>8 St. Louis, MO 63103</p> <p>9</p> <p>10 IN RE: DERRICK JONES, et al. v. CITY OF ST. LOUIS,</p> <p>11 et al.</p> <p>12 Dear Mr. Pratt:</p> <p>13</p> <p>14 Please find enclosed your copies of the deposition of</p> <p>15 EDWARD ROTH taken on January 6, 2023 in the</p> <p>16 above-referenced case. Also enclosed is the original</p> <p>17 signature page and errata sheets.</p> <p>18</p> <p>19 Please have the witness read your copy of the</p> <p>20 transcript, indicate any changes and/or corrections</p> <p>21 desired on the errata sheets, and sign the signature</p> <p>22 page before a notary public.</p> <p>23</p> <p>24 Please return the errata sheets and notarized</p> <p>25 signature page within 30 days to our office at 711 N</p> <p>11th Street, St. Louis, MO 63101 for filing.</p> <p>Sincerely,</p> <p>REBECCA L. TUGGLE</p> <p>Enclosures</p>

27 (Pages 105 to 108)